

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue
New York, NY 10166-0193
Tel 212.351.4000
gibsondunn.com

Orin Snyder
Direct: +1 212.351.2400
Fax: +1 212.351.6335
OSnyder@gibsondunn.com

May 4, 2023

VIA ECF

Hon. Edgardo Ramos
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Esperion Therapeutics, Inc. v. Daiichi Sankyo Europe GmbH*, No. 1:23-cv-02568 (ER)

Dear Judge Ramos:

Gibson Dunn represents Esperion Therapeutics, Inc. (“Plaintiff”) in the above-captioned case and Jones Day represents Daiichi Sankyo Europe GmbH (“Defendant”).

We write jointly on behalf of the parties to notify the Court that the parties have agreed that, with the Court’s approval, Plaintiff may amend its complaint as of right until May 5, 2023 and Defendant will respond to the forthcoming amended complaint within 45 days of its filing. This schedule is consistent with the parties’ prior agreement, which the Court endorsed, regarding Defendant’s deadline to respond to the Complaint. (*See* Dkt. 15.) No prior requests for extensions have been made in the above-captioned matter.

We thank the Court for its consideration.

Respectfully Submitted,

GIBSON, DUNN & CRUTCHER, LLP

/s/ Orin Snyder

Orin Snyder

Counsel for Esperion Therapeutics, Inc.

JONES DAY

/s/ Jeremy P. Cole (on consent)

Jeremy P. Cole¹

Counsel for Daiichi Sankyo Europe GmbH

¹ The parties are using electronic signatures with consent in accordance with Rule 8.5(b) of the Court’s ECF Rules and Instructions.